

Presentment Date and Time: March 3, 2017 at 12:00 p.m. (ET)
Objection Deadline: March 2, 2017 at 4:00 p.m. (ET)

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The ResCap Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:) Case No. 12-12020 (MG)
)
RESIDENTIAL CAPITAL, LLC, et al.,) Chapter 11
)
Debtors.) Jointly Administered
)

**NOTICE OF PRESENTMENT OF STIPULATION AND ORDER PURSUANT TO
11 U.S.C. § 362(d) MODIFYING THE AUTOMATIC STAY IMPOSED BY 11 U.S.C. § 362(a)**

PLEASE TAKE NOTICE that the undersigned will present the attached proposed *Stipulation and Order Pursuant to 11 U.S.C. § 362(d) Modifying the Automatic Stay Imposed by 11 U.S.C. § 362(a)* (the “**Stipulation and Order**”), to the Honorable Martin Glenn, United States Bankruptcy Judge, at the United States Bankruptcy Court for the Southern District of New York (the “**Bankruptcy Court**”), Alexander Hamilton Custom House, One Bowling Green, New York, New York 10004, Room 523, for signature on **March 3, 2017 at 12:00 p.m. (Prevailing Eastern Time)**.

PLEASE TAKE FURTHER NOTICE that objections, if any, to the Stipulation and Order must be made in writing, conform to the Federal Rules of Bankruptcy Procedure, the

Local Bankruptcy Rules for the Southern District of New York, and the Notice, Case Management, and Administrative Procedures approved by the Bankruptcy Court [Docket No. 141], be filed electronically by registered users of the Bankruptcy Court's electronic case filing system, and be served, so as to be received no later than **March 2, 2017 at 4:00 p.m.** **(Prevailing Eastern Time)**, upon (a) counsel for The ResCap Liquidating Trust, Morrison & Foerster LLP, 250 West 55th Street, New York, NY 10019 (Attn: Norman S. Rosenbaum, Erica J. Richards, and James A. Newton); (b) co-counsel for The ResCap Liquidating Trust, Kramer Levin Naftalis & Frankel LLP, 1177 Avenue of the Americas, New York, NY 10036 (Attn: Kenneth H. Eckstein, Douglas H. Mannal, and Joseph A. Shifer); (c) the Office of the United States Trustee for the Southern District of New York, U.S. Federal Office Building, 201 Varick Street, Suite 1006, New York, NY 10014 (Attn: Tracy Hope Davis, Linda A. Riffkin and Brian S. Masumoto); (d) the Office of the United States Attorney General, U.S. Department of Justice, 950 Pennsylvania Avenue NW, Washington, DC 20530-0001 (Attn: U.S. Attorney General, Jeff Sessions); (e) Office of the New York State Attorney General, The Capitol, Albany, NY 12224-0341 (Attn: Nancy Lord and Enid N. Stuart); (f) Office of the U.S. Attorney for the Southern District of New York, One St. Andrews Plaza, New York, NY 10007 (Attn: Joseph N. Cordaro); (g) counsel for Ally Financial Inc., Kirkland & Ellis LLP, 601 Lexington Avenue, New York, NY 10022 (Attn: Richard M. Cieri); (h) counsel for Ocwen Loan Servicing, LLC, Clifford Chance US LLP, 31 West 52nd Street, New York, NY 10019 (Attn: Jennifer C. DeMarco & Adam Lesman); (i) counsel for Berkshire Hathaway, Inc., Munger, Tolles & Olson LLP, 355 South Grand Avenue, Los Angeles, CA 90071 (Attn: Seth Goldman & Thomas B. Walper); (j) Internal Revenue Service, P.O. Box 7346, Philadelphia, PA 19101-7346 (if by overnight mail, to 2970 Market Street, Mail Stop 5-Q30.133, Philadelphia, PA 19104-5016); (k) Securities and

Exchange Commission, New York Regional Office, 3 World Financial Center, Suite 400, New York, NY 10281-1022 (Attn: George S. Canellos, Regional Director); and (l) counsel for the Requesting Party, Shapiro, Dicaro & Barak, LLC, 105 Maxess Road, Suite N109, Melville, NY 11747 (Attn: Shari S. Barak).

PLEASE TAKE FURTHER NOTICE that, if no objections to the Stipulation and Order are timely filed, served and received in accordance with this Notice, the Court may enter the Stipulation and Order without further notice or hearing.

Dated: February 23, 2017
New York, New York

Respectfully submitted,

/s/ Norman S. Rosenbaum
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*Counsel for the Post-Effective Date Debtors
and The ResCap Liquidating Trust*

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**STIPULATION AND ORDER PURSUANT TO 11 U.S.C. § 362(d)
MODIFYING THE AUTOMATIC STAY IMPOSED BY 11 U.S.C. § 362(a)**

WHEREAS Nationstar Mortgage LLC (“**Requesting Party**”) asserts that it holds a mortgage and security interest on lands and premises of Leah A. Robinson with an address of 2423 Southeast Cedarwood Drive, Topeka, Kansas 66605 (the “**Mortgaged Property**”);

WHEREAS undersigned counsel represents the Requesting Party;

WHEREAS the relevant land records reflect that GMAC Mortgage, LLC, one of the above-captioned debtors (the “**Debtors**” and, together with Requesting Party, the “**Parties**”) may also holds a mortgage and security interest on the Mortgaged Property;

WHEREAS the Requesting Party has requested (the “**Request**”) relief from the automatic stay, pursuant to section 362(d) of title 11 of the United States Code (the “**Bankruptcy Code**”), to complete the foreclosure of its mortgage and security interests in the Mortgaged Property;

WHEREAS the Debtors, following a review of their records have determined that to the best of their knowledge they no longer hold an interest in the Mortgaged Property;

WHEREAS the Debtors have agreed to consent to the Request on the terms and conditions contained in this Stipulation and Order;

NOW, THEREFOR, it is hereby stipulated and agreed as between the parties to this Stipulation and Order, through their undersigned counsel, as follows:

ORDERED, ADJUDGED, AND DECREED THAT:

1. The Request is granted as set forth herein.

2. To the extent applicable, the automatic stay imposed in these cases by section 362(a) of the Bankruptcy Code is modified and annulled under section 362(d) of the Bankruptcy Code, retroactive to May 14, 2012, solely to the extent necessary to permit Requesting Party to complete the foreclosure of the mortgage and security interest it holds on the Mortgaged Property and enforce its rights in connection therewith.

3. The Requesting Party shall provide due notice to the Debtors, the ResCap Liquidating Trust¹, Ocwen Loan Servicing, LLC², and Green Tree Servicing LLC³, in connection with any action to be taken with respect to the Mortgaged Property, including, but not limited to proceeding with a sale of the Mortgaged Property.

4. Requesting Party shall be liable for and shall reimburse and indemnify the Debtors, their successors and/or assigns (including, without limitation the Rescap Liquidating Trust and the ResCap Borrower Claims Trust, each established pursuant to the *Second Amended Joint Chapter 11 Plan Proposed by Residential Capital, LLC et al. and the Official Committee of Unsecured Creditors* confirmed in the above-captioned Chapter 11 Cases pursuant to an order of

¹ Notices should be served on the Debtors and The ResCap Liquidating Trust, at Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, DE 19808 and 8400 Normandale Lake Boulevard, Bloomington, MN 55437.

² Notices should be served on Ocwen Loan Servicing, LLC, at 1100 Virginia Drive, Fort Washington, PA 19034 (Attn: Peter J. Mulcahy, Esq.).

³ Notices should be served on Green Tree Servicing LLC via email at: Foreclosure_Team@gt-cs.com or via mail addressed to: Green Tree Servicing LLC, Mailstop: R214, 1400 Turbine Drive, Rapid City, SD 57703.

the Court dated December 11, 2013 [Dkt. No. 6065]) and their respective current and former affiliates, directors, officers, employees, agents, attorneys and other professionals and such parties respective successors and assigns (each an “**Indemnified Party**” and, collectively, the “**Indemnified Parties**”) and hold the Indemnified Parties harmless from and against any and all claims, losses, liabilities, costs, disbursements, damages or expenses (including attorneys’ fees and expenses and court costs) of any kind whatsoever, and shall indemnify and hold harmless each Indemnified Party from fees, time charges and disbursements of current and former employees of an Indemnified Party (collectively, “**Losses**” and each, a “**Loss**”) arising out of, in connection with, in any way related to, or as a result of (i) Requesting Party’s attempt to foreclose upon and any foreclosure of the Mortgaged Property and/or (ii) any challenge to the relief contained in or the scope and effect of this Stipulation and Order.

5. Requesting Party shall pay to the Indemnified Parties in full any amounts due for Losses under paragraph 4 within fifteen (15) days of written demand therefore. Such written demand will contain a reasonable description of the Loss and where applicable, contain appropriate invoices, judgment or other certification of Losses for which the Indemnified Parties are obligated. In addition, upon the written request of any Indemnified Party, Requesting Party shall advance to such Indemnified Party reasonable defense costs and disbursements which if directly incurred by such Indemnified Party would constitute a Loss.

6. Any and all notices to Requesting Party in connection with the indemnity set forth in paragraphs 5 and 6 above shall be sent to: Nationstar Mortgage LLC, 8950 Cypress Waters Boulevard, Coppell, TX 75019 (Attn: Bankruptcy Department).

7. This Stipulation and Order may not be modified other than by a signed writing executed by the Parties hereto or by further order of the Court.

8. This Stipulation and Order may be executed in multiple counterparts, each of which shall be deemed an original but all of which when taken together shall constitute one and the same instrument.

9. Pursuant to Federal Rule of Bankruptcy Procedure 4001(a)(3), the 14-day stay of this Stipulation and Order imposed by such rule is waived. The Requesting Party is authorized to implement the provisions of this Stipulation and Order immediately upon its entry.

10. This Court shall retain jurisdiction with respect to all matters arising from or related to the implementation and interpretation of this Order.

GMAC MORTGAGE, LLC	NATIONSTAR MORTGAGE LLC
By: <u>/s/ Norman S. Rosenbaum</u> Norman S. Rosenbaum Erica J. Richards James A. Newton MORRISON & FOERSTER LLP 250 West 55th Street New York, New York 10019 Telephone: (212) 468-8000 Facsimile: (212) 468-7900 <i>Counsel for the Post-Effective Date Debtors and The ResCap Liquidating Trust</i>	By: <u>/s/ Shari S. Barak</u> Shari S. Barak SHAPIRO, DICARO & BARAK, LLC 105 Maxess Road Suite N109 Melville, New York 11747 Telephone: (631) 844-9611 Facsimile: (631) 844-9525 <i>Counsel for Nationstar Mortgage LLC</i>

APPROVED AND SO ORDERED
This ____ day of March, 2017, in New York, NY.

**HONORABLE MARTIN GLENN
UNITED STATES BANKRUPTCY JUDGE**